



Appeal Decision

Site visit made on 17 December 2019

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 07 January 2020

Appeal Ref: APP/M1710/W/19/3237874

Flat 2, 69 Headley Road, Liphook GU30 7PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Trodden against the decision of East Hampshire District Council.
 - The application Ref 57089/001, dated 30 May 2019, was refused by notice dated 8 August 2019.
 - The development proposed is the provision of a pitched roof accommodating one bedroom and bathroom (flat 2).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers, with particular reference to light and outlook.

Reasons

3. The appeal site comprises a substantial two storey detached building (the appeal building) with a single storey extension to the rear, with space to the rear of 69a and 69b Headley Road providing a parking and turning area for the appeal building. The appeal building is set back from Headley Road and surrounded by residential development. The appeal building is subdivided into a number of flats, with the single storey section of the building comprising Flat 2, 69 Headley Road. The proposal seeks to alter the height of the roof on the single storey rear extension in order to accommodate an additional bedroom and bathroom serving Flat 2.
4. The planning history of the site indicates that the appeal building benefits from planning permission¹ to incorporate a pitched roof onto both the single storey extension and the two storey section of the appeal building (the approved scheme). The appeal proposal seeks alteration to the approved scheme by increasing the height of the roof over the single storey extension by between approximately 0.8 metres and 1.5 metres above that of the approved scheme. The proposal would result in a significant increase in the massing of the rear of the appeal building.

¹ Local Planning Authority Reference: 57089

5. The separation distances of residential dwellings to the north and east of the appeal building are sufficient, in my view, to ensure that the proposal would not have an adverse impact on the living conditions of residents at those properties with regards to outlook or loss of light.
6. Nonetheless, the appeal building is located in very close proximity to the dwellings located at 8 and 9 Avenue Close. 8 Avenue Close is a single storey dwelling and is situated west of the appeal site, separated from Flat 2 by modest gardens of limited depth serving both Flat 2 and 8 Avenue Close. The southern elevation of Flat 2 almost directly abuts with the boundary which separates the appeal building from the dwelling and garden at 9 Avenue Close.
7. By reason of the design of the sloped roof element of the proposal, and due to the separation distance between the rear of the appeal building and 8 Avenue Close, the proposed development would not have a significant overbearing effect in terms of outlook, of residents of that dwelling.
8. However, in my view the light that would be able to enter the rear of 8 Avenue Close would be compromised as a result of the proximity and height of the proposed development at the appeal building. Whilst I acknowledge the sun path analysis supplied by the Appellant, which shows that sunlight entering the rear of 8 Avenue Close would be diminished to some degree during the morning only, the loss of light would be more than is acceptable and would be harmful to the living conditions of residents at that dwelling.
9. The dwelling at 9 Avenue Close is a two storey house with a shallow garden to the rear, bound by a high hedge to the east. This dwelling has a number of windows serving habitable rooms at the rear of the house and looking out into the garden. The increased depth and height of the proposed development in comparison to the approved scheme, would present a solid two storey wall of built development in very close proximity to the common boundary between the appeal building and this property.
10. Whilst I acknowledge the sun path analysis which shows that the amount of additional overshadowing would not be increased when compared to the approved scheme, I consider that the appeal proposal would appear overbearing and have a significant enclosing effect and so would harm the outlook for residents of 9 Avenue Close, particularly from their rear garden as well as from the habitable rooms at the rear of the property.
11. It has been put to me that the proposal would result in improved living space and energy efficiency in terms of insulation at the appeal building, and that the appeal proposal would be more achievable in terms of cost than the approved scheme. It is further submitted that the proposal represents a modest change to that previously approved. However, whilst I have attached some weight to these elements in the determination of this appeal, in my view these factors do not justify, or outweigh, the harm identified.
12. Therefore, I find that the adverse effects on outlook and, to a lesser extent, daylight, resulting from the height and massing of the appeal scheme would unacceptably harm the living conditions of neighbouring occupants at 8 and 9 Avenue Close. As such, there would be conflict with Policy CP27 of the Local Plan which, amongst other things, requires development to not have an acceptable impact on the amenity of users or adjoining occupiers with regards to loss of light. The proposal would also fail to accord with paragraph 127 of

the National Planning Policy Framework, which requires all development to create places which promote well-being and a high standard of amenity for all.

Conclusions

13. For the reasons given above, I conclude that the appeal should be dismissed.

A Spencer-Peet

INSPECTOR